

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	4:08CR3164
	)	
Plaintiff,	)	<b>MEMORANDUM</b>
v.	)	<b>AND ORDER</b>
	)	
JOSE ANTONIO GARCIA,	)	
	)	
Defendant.	)	

This matter is before the court on a report and recommendation by Magistrate Judge Piester ([filing 46](#)), recommending that the defendant's motion to dismiss ([filing 34](#)) be denied in all respects. The defendant, Jose Antonio Garcia, has filed a statement of objections ([filing 47](#)) pursuant to [NECrimR 57.3](#) and [28 U.S.C. § 636\(b\)\(1\)](#).

I have conducted a de novo review of the record. I find that inasmuch as the magistrate judge has fully, carefully, and correctly found the facts and applied the law, the magistrate judge's report and recommendation should be adopted and the defendant's statement of objections and motion to dismiss should both be denied.

IT IS ORDERED that:

1. the magistrate judge's report and recommendation ([filing 46](#)) is adopted;
2. the defendant's statement of objections ([filing 47](#)) is denied; and
3. the defendant's motion to dismiss ([filing 34](#)) is denied in all respects.

April 7, 2009.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge